

AMENDMENTS TO LB 186

(Amendments to Standing Committee amendments, AM57)

Introduced by Langemeier, 23

1 1. Insert the following new amendments:

2 1. Insert the following new sections:

3 Sec. 7. Section 76-2219, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 76-2219 Valuation assignment means (a) an appraisal that
6 estimates the value of identified real estate or identified real
7 property at a particular point in time or (b) a valuation service
8 provided as a consequence of an agreement between a real property
9 appraiser and a client.

10 Sec. 8. Section 76-2223, Revised Statutes Cumulative
11 Supplement, 2006, is amended to read:

12 76-2223 The board shall administer and enforce the Real
13 Property Appraiser Act and may:

14 (1) Receive applications for credentialing under the act,
15 process such applications and regulate the issuance of credentials
16 to qualified applicants, and maintain a directory of the names and
17 addresses of persons who receive credentials under the act;

18 (2) Hold meetings, public hearings, informal conferences,
19 and administrative hearings, prepare or cause to be prepared
20 specifications for all appraiser classifications, solicit bids and
21 enter into contracts with one or more educational testing services
22 or organizations for the preparation of a bank of questions and

1 answers for examinations, and administer or contract for the
2 administration of examinations in such places and at such times as
3 deemed appropriate;

4 (3) Develop the specifications for credentialing
5 examinations, including timing, location, and security necessary to
6 maintain the integrity of the examinations;

7 (4) Review from time to time the procedure for selecting
8 individual questions from the bank of questions for use in
9 connection with each scheduled examination and review from time
10 to time the questions in the bank of questions and the related
11 answers to ascertain that they meet the specifications established
12 by the board;

13 (5) Collect all fees required or permitted by the act.
14 The board shall remit all such receipts to the State Treasurer for
15 credit to the Real Property Appraiser Fund. In addition, the board
16 may collect and transmit to the appropriate federal authority any
17 fees established under the Financial Institutions Reform, Recovery,
18 and Enforcement Act of 1989, as the act existed on January 1, 2006;

19 (6) Establish appropriate administrative procedures for
20 disciplinary proceedings conducted pursuant to the Real Property
21 Appraiser Act;

22 (7) Issue subpoenas to compel the attendance of witnesses
23 and the production of books, documents, records, and other papers,
24 administer oaths, and take testimony and require submission of and
25 receive evidence concerning all matters within its jurisdiction. In
26 case of disobedience of a subpoena, the board may make application
27 to the district court of Lancaster County to require the attendance

1 and testimony of witnesses and the production of documentary
2 evidence. If any person fails to obey an order of the court, he or
3 she may be punished by the court as for contempt thereof;

4 (8) Deny, censure, suspend, or revoke an application or
5 credential if it finds that the applicant or credential holder has
6 committed any of the acts or omissions set forth in section 76-2238
7 or otherwise violated the act. Any disciplinary matter may be
8 resolved through informal disposition pursuant to section 84-913;

9 (9) Take appropriate disciplinary action against a
10 credential holder if the board determines that a credential holder
11 has violated any provision of the act or the ~~National~~ Uniform
12 Standards of Professional Appraisal Practice;

13 (10) Enter into consent decrees and issue cease and
14 desist orders upon a determination that a violation of the act has
15 occurred;

16 (11) Promote research and conduct studies relating to
17 the profession of real property appraisal, sponsor real property
18 appraisal educational activities, and incur, collect fees for, and
19 pay the necessary expenses in connection with activities which
20 shall be open to all credential holders;

21 (12) Establish and annually adopt minimum standards for
22 appraisals as required under section 76-2237;

23 (13) Adopt and promulgate rules and regulations to
24 carry out the act. The rules and regulations may include
25 provisions establishing minimum standards for schools, courses, and
26 instructors. The rules and regulations shall be adopted pursuant to
27 the Administrative Procedure Act; and

1 (14) Do all other things necessary to carry out the Real
2 Property Appraiser Act.

3 Sec. 10. Section 76-2227, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 76-2227 (1) Applications for credentials, including
6 authorization to take the appropriate examination, and for renewal
7 of credentials shall be made in writing to the board on forms
8 approved by the board. The payment of the appropriate fee fixed
9 by the board pursuant to section 76-2241 shall accompany all
10 applications.

11 (2) At the time of filing an initial or renewal
12 application for credentials, the applicant shall sign a pledge
13 that he or she has read and will comply with the ~~National~~ Uniform
14 Standards of Professional Appraisal Practice. Each applicant shall
15 also certify that he or she understands the types of misconduct for
16 which disciplinary proceedings may be initiated.

17 (3) Credentials shall be issued only to persons who have
18 a good reputation for honesty, trustworthiness, integrity, and
19 competence to perform assignments in such manner as to safeguard
20 the interest of the public and only after satisfactory proof of
21 such qualification has been presented to the board upon request.

22 (4) No credential shall be issued to a corporation,
23 partnership, limited liability company, firm, or group.

24 Sec. 20. Section 76-2236, Revised Statutes Cumulative
25 Supplement, 2006, is amended to read:

26 76-2236 Every credential holder shall furnish evidence
27 to the board that he or she has satisfactorily completed no

1 fewer than twenty-eight hours of approved continuing education
2 activities in each two-year continuing education period. Hours of
3 satisfactorily completed approved continuing education activities
4 cannot be carried over from one two-year continuing education
5 period to another. The board may extend or waive the continuing
6 education requirements by rule or regulation. As prescribed by
7 rule or regulation of the board and at least once every two
8 years, ~~an update seminar of no less than seven hours,~~ covering
9 the seven-hour National Uniform Standards of Professional Appraisal
10 Practice Update Course, or its equivalent as approved by the
11 Appraiser Qualifications Board, shall be included in the continuing
12 education requirement of each credential holder. The board shall
13 approve continuing education activities which it determines would
14 protect the public by improving the competency of credential
15 holders. Evidence of completion of such continuing education
16 activities for the two-year continuing education period may be
17 submitted to the board as each activity is completed. A person who
18 holds a temporary credential shall not have to meet any continuing
19 education requirements in this state.

20 Sec. 21. Section 76-2237, Revised Statutes Cumulative
21 Supplement, 2006, is amended to read:

22 76-2237 Each credential holder shall comply with the
23 ~~National~~ Uniform Standards of Professional Appraisal Practice.
24 The board shall adopt and promulgate rules and regulations which
25 conform to the ~~National~~ Uniform Standards of Professional Appraisal
26 Practice. The board shall review such rules and regulations
27 annually. A copy of each such rule or regulation shall be mailed to

1 the business address of each credential holder.

2 Sec. 24. Section 76-2247.01, Revised Statutes Cumulative
3 Supplement, 2006, is amended to read:

4 76-2247.01 A person may retain or employ a real property
5 appraiser credentialed under the Real Property Appraiser Act
6 to provide appraisal services, including, but not limited to,
7 valuation assignments and consulting services. In each case, the
8 appraisal and the appraisal report shall comply with the Real
9 Property Appraiser Act and the ~~National~~ Uniform Standards of
10 Professional Appraisal Practice.

11 In a valuation assignment, the real property appraiser
12 shall remain an impartial, disinterested third party. When
13 providing a consulting service, the real property appraiser may
14 complete the evaluation assignment in a manner that responds to
15 a client's stated objective but shall also remain an impartial,
16 disinterested third party. Compensation of a real property
17 appraiser for either a valuation assignment or consulting service
18 shall not be contingent upon the real property appraiser reporting
19 a predetermined analysis, opinion, or conclusion reached or upon
20 the results achieved.

21 2. On page 3, line 2; page 5, line 18; page 6, lines 12
22 and 16; page 9, line 11; page 10, line 8; page 12, lines 3 and 25;
23 page 13, line 19; page 14, line 9; page 15, line 4; page 16, line
24 2; page 17, line 25; page 18, line 19; page 19, line 24; page 20,
25 line 16; page 21, line 11; page 22, line 6; page 24, lines 3 and
26 24; page 26, lines 3 and 21; page 27, line 16; and page 28, line 7,
27 strike "National" and show as stricken.

1 4. On page 11, line 16, strike "a fifteen-hour course in
2 the", show as stricken, and insert "the fifteen-hour"; in line 17,
3 strike the period, show as stricken, and insert "Course, or its
4 equivalent as approved by the Appraiser Qualifications Board.".

5 5. On page 17, line 11, strike "a fifteen-hour course
6 in", show as stricken, and insert "the fifteen-hour"; in line 12,
7 strike "the" and show as stricken, and strike the period, show as
8 stricken, and insert "Course, or its equivalent as approved by the
9 Appraiser Qualifications Board.".

10 6. On page 23, line 17, strike "a", show as stricken,
11 and insert "the"; in line 18, strike "course in the" and show as
12 stricken; in line 19, strike the period, show as stricken, and
13 insert "Course, or its equivalent as approved by the Appraiser
14 Qualifications Board.".

15 7. On page 36, strike line 16 and insert "76-2213,
16 76-2213.01, 76-2217.01, 76-2219, 76-2223, 76-2226, 76-2227,
17 76-2228, 76-2228.01,"; and strike line 18 and insert "76-2233.01,
18 76-2236, 76-2237, 76-2241, 76-2242, 76-2247.01, and 77-5004,
19 Revised Statutes Cumulative".

20 8. Renumber the remaining sections accordingly.

21 2. Renumber the remaining amendment accordingly.